

# APPENDIX C: DRAFT LAND PROTECTION PLAN FOR MOJAVE NATIONAL PRESERVE

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# LAND PROTECTION PLAN SUMMARY

as of 10/29/97

## Current Land Ownership Within Boundary:

Mojave National Preserve has approximately 285.47 total miles of boundary, including 35.11 miles on the detached Clark Mountain Unit.

	Acres	
Federal		<b>1,373,018</b>
State of California		<b>44,012</b>
School sections	36,502	
Calif. Fish and Game	139	
Dept. Parks and Recreation	5,152	
Univ. of California	2,219	
Private		<b>172,039</b>
Catellus (Santa Fe Pacific)	85,318	
Union Pacific Railroad	1,379	
Other private	85,342	
<b>TOTAL</b>		<b>1,589,164.80</b>

## Tracts Remaining to be Protected:

There are 2,147 private parcels owned by 1,235 separate owners, plus 57 parcels owned by the State of California.

## Proposed Protection Methods:

Interim — Cooperative Agreements, Regulation  
Permanent — Fee Acquisition, Regulation, Agreements

## Funding Status:

No funds have been appropriated or expended for land acquisition.

## Top Priority:

<u>Tract</u>	<u>Acres</u>	<u>Reason for High Priority</u>
Kelso Depot area	290	Potential development that would conflict with historic scene of the restored depot.

Status of Environmental Compliance: Categorically excluded.

Status of Jurisdiction: Proprietary

# **I. INTRODUCTION**

## **A. DEPARTMENTAL AND NPS POLICIES ON LAND PROTECTION**

The use of the federal portion of the Land and Water Conservation Fund (LWCF) is governed by a policy statement issued in May 1982 by the Department of the Interior (47FR19784). The policy requires that each agency using the fund will:

1. Identify the lands or interests in lands that need to be in federal ownership to achieve management unit purposes consistent with published objectives of the unit.
2. Use, to the maximum extent practical, cost-effective alternatives to direct federal purchase of private lands, and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives.
3. Cooperate with landowners, other federal agencies, state and local governments and the private sector to manage lands for public use or protect it for resource conservation.
4. Formulate, or revise as necessary, plans for land acquisition and resource use to assure that the socio-cultural impacts are considered and that the most outstanding areas are adequately managed.

In response to this policy, the National Park Service published a final interpretive rule on May 11, 1983 (48FR21121). That rule requires that the National Park Service develop a land protection plan for each unit of the National Park system that contain nonfederal lands within the area's authorized boundary.

The purpose of the plan is to identify methods of assuring the protection of the natural, historic, scenic, cultural, recreation or other significant resources and to provide for adequate visitor use. The plan will be prepared in compliance with relevant legislation, other Congressional guidelines, Executive Orders, and departmental and National Park Service policies. The plan will be clear and concise, prepared with public participation and include full consideration of the alternatives available for land protection. Plans will be updated as necessary to reflect changing conditions.

The major issues to be addressed by the plan are the uses that would be compatible on the remaining nonfederal tracts, the protection methods most usefully employed to avoid incompatible uses and protect park resources, and the relative urgency of protection action on the various tracts.

Land protection plans are intended to provide general guidance for long-range planning and budgeting, subject to the availability of funds and other constraints. They are not intended in anyway to diminish the rights of nonfederal landowners, nor do they constitute an offer to purchase lands or interests in lands.

## **B. NEED FOR THE PLAN AND MAJOR ISSUES**

Mojave National Preserve contains nonfederal lands within the boundaries authorized by Congress. On October 31, 1994, Congress created the Mojave National Preserve, setting aside approximately 1.6 million acres. Most of the new park lands were already public lands, previously administered by the Bureau of Land Management, and jurisdiction over which was transferred to the National Park Service.

The major issues that the Land Protection Plan for each unit addresses are:

1. The extent to which existing and potential uses of private lands and access for such use through and across federal park lands, may adversely affect the natural appearance of the unit, the protection and restoration of natural systems, wilderness integrity and values and cultural sites, objects and structures.
2. The extent to which existing and potential uses of private lands area may preclude or limit visitor enjoyment of park resources or may conflict with the aesthetic and ecological conditions.
3. The extent to which mining activity may affect park values and resources.
4. The extent to which existing or potential uses of private lands, and access for such uses through and across federal lands may affect species listed as threatened or endangered by the U.S. Fish and Wildlife Service and habitat listed as critical to the survival of the desert tortoise (*Gopherus agassizii*).
5. The anticipated effectiveness of federal, state and local regulations in achieving preservation objectives on nonfederal lands within the unit.
6. The anticipated effectiveness of agreements in achieving preservation objectives on nonfederal lands within the units.
7. The anticipated effectiveness of less-than-fee acquisition in achieving protection of preserve resources on nonfederal lands within the units.
8. The potential for reservation of use and occupancies when acquiring lands from current owners.
9. The relative urgency of protection among the several areas in the unit with nonfederal lands.

## **II. PURPOSE OF THE PARK AND RESOURCES TO BE PROTECTED**

### **A. PURPOSE OF THE PARK**

The Act of August 25, 1916, the Organic Act of the National Park Service (16 U.S.C. 1), prescribed that the “fundamental purpose of...parks...is to conserve the scenery and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” In the Act of August 18, 1970, Congress declared that the Organic Act provisions, including the statement of fundamental purpose, shall apply to all areas of the National Park System “to the extent that such provisions are not in conflict...” with the statute that specifically applies to that particular area. (16 U.S.C. 1c.(b))

In 1978 Congress amended the 1970 Act, cited above, to state that the “authorization of activities” in parks “shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.”

Approximately half the lands in Mojave National Preserve are designated by law as wilderness, by the Act of October 31, 1994. The Wilderness Act of 1964 further prescribes the purpose of the wilderness-designated lands. That purpose is to preserve lands in their natural condition “for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness.” The Wilderness Act defines wilderness as “an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain,...an area of undeveloped federal land retaining its primeval character and influence without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions...”

In summary, the purpose of parks is to preserve the natural and cultural resources so that they can be interpreted, understood and enjoyed by present and future generations.

The development of this “Land Protection Plan” is being done in conjunction with the Draft Environmental Impact Statement / General Management Plan. An initial component in the development of a general management plan is the discussion and description of the specific park purpose and significance. Elsewhere in this Draft Environmental Impact Statement is a complete description of the purpose and significance for the preserve. Please refer to that section of the document for the specific unit purpose and significance.

### **B. RESOURCES TO BE PROTECTED**

#### **NATURAL RESOURCES**

Mojave National Preserve was established to preserve an ecologically diverse, yet fragile desert ecosystem, comprised of scenic, geologic and wildlife values unique not only to the Mojave, but the Great Basin and Sonoran desert environs as well. This transition zone, ranging from nine hundred to nearly eight thousand feet in elevation, embraces a plethora of landforms: cinder cones, sand dunes, dry lake beds, alluvial fans, mountain ranges, table-top mesas, large desert

bajadas (alluvial fans) and valleys. This harsh Mojave desert landscape provides refugium for over one thousand plant and animal species, including threatened and endangered species.

### **Geology and Soils**

Because of the multiple stages of igneous activity, metamorphism, and the many episodes of deformation resulting in thrust faulting, the geology of Mojave National Preserve is very complex and diverse. These three types of geologic forces have produced numerous types of rock, which range in age from Precambrian to the present.

The Mojave is characterized by isolated mountain ranges and ridges separated by alluvium-filled, irregular large valleys. Dividing Mojave National Preserve in half is the northeast trending Providence-Mid Hills-New York Mountain ranges. The principal valleys within the preserve include: Ivanpah Valley, Kelso/Cedar Wash, Lanfair Valley, Devils Playground, Piute Valley and the northern area of Fenner Valley. Ivanpah Valley and Kelso/Cedar Wash line up in a northeasterly to southwesterly fashion, but drain in opposite directions because of an inconspicuous northwest trending divide near the town of Cima. Both Lanfair and Piute Valleys drain via Piute Wash into the Colorado River. The remaining valleys have self-contained drainage systems as represented by playa lakes such as Soda and Ivanpah.

A wide array of soils comprise Mojave National Preserve. Examples include: soils with sandy textures with gravel and cobble cimas; soils with medium textures; soils with calcium carbonate (e.g. caliche) accumulations; fine textured soils found in playa prone areas; soils with a developed horizon reflecting age or formation during a different moisture regime; shallow soils; and upland soils. The park also contains escarpments, ephemeral streams, a large area of dunes and a lava flow area (e.g. Lava Beds).

### **Vegetation**

The wildlife and vegetative resources of Mojave National Preserve reflect the mingling of three major North American Deserts: the Great Basin, Mojave, and Sonoran Desert. The preserve consists primarily of vegetative attributes of the Mojave Desert but contains floral species of the Great Basin, Sonoran and even some elements of the California Coastal Zone.

Mojave National Preserve is considered a unique floristic area. Many plant species are distributed only within its boundaries; while other areas such as the New York Mountains contain species of manzanita, California lilac, and oak and silk tassel which are normally associated with coastal California. The Mid Hills have significant stands of Great Basin sagebrush and Utah juniper. The strongest association however, is with the Sonoran Desert whose northernmost range is often recognized to intermingle with the southern border of the park. Sonoran plant species such as teddy bear cholla and smoke tree are found extending a dozen or more miles into the southeast portion of Mojave National Preserve.

Common elsewhere in the desert and also present within the preserve are the playas, saltbush, creosote-covered flats and alluvial fans, and Joshua tree woodlands. There are also many important unique or rare habitats within the Mojave. The preserve is unusual in the complexity and density of the Joshua tree, Mojave yucca, and Spanish bayonet communities, which are represented on Cima Dome. The quality and sheer vastness of the Joshua tree forest on Cima Dome is unparalleled anywhere in the world. There are seven different types of wash plant species associations including catclaw acacia, smoke trees, and desert willows. Higher elevations support grassland, sagebrush, blackbrush, pinyon-juniper woodlands as well as unique remnant

habitats containing small white fir forests, and pinyon-junipers with oak in the higher elevations. The Piute Creek desert oasis also supports a very fragile and limited community.

## **Wildlife**

The intermingling of the three desert environments has produced approximately thirty-five wildlife habitat types. The diverse habitats support about three hundred species of wildlife. The literature documents thirty-six species of reptiles, two hundred and six species of birds and forty-seven species of mammals. A few of the most notable species include the gila monster, desert tortoise, Mohave tui chub, Mojave fringe-toed lizard, regal ring-necked snake, and desert striped whipsnake. Significant avian fauna include the Prairie Falcon, Bendire's Thrasher, California Thrasher, Gray Vireo, Golden Eagle, Lucy's Warbler, Mourning Dove and Gambel's Quail. The preserve has one of the more significant bat faunas of the California Desert. There are also populations of rock squirrels in pinyon-juniper woodland, a relict population of dusky-footed woodrats, mule deer, porcupines, mountain lions, and desert bighorn sheep.

Significantly, a large portion of the preserve is critical desert tortoise habitat. Some of the highest densities of tortoise are found in the Ivanpah Valley in the north end of the preserve. Areas that have been designated as critical habitat for desert tortoise will receive special consideration in considering uses, programs and activities that can be allowed within the preserve.

In its entirety, the California Desert contains no finer grouping of different wildlife habitats than in Mojave National Preserve, both from the standpoint of total number of species and the total number of animals. The Kelso Dunes, Granite, Providence, and New York Mountains, including Cima Dome exemplify the finest habitat types in California.

## **Scenery**

Mojave National Preserve portrays some of the most scenic resources in the entire California Desert, which is unrivaled from the standpoint of sheer "diversity." In some instances jagged peaks protrude approximately three thousand feet above an intervening landscape consisting of sand dunes, flat-topped mesas, rolling hills, and red volcanic spires. Expansive stands of Joshua trees and yuccas are foreground features throughout much of the park, while barrel cacti and yellow teddy bear chollas dot the desert floor which flower in vivid hues of red and yellow. Cinder cones impart a lunar landscape to the preserve's northwest sector, while the Devils Playground defines a stark expanse of dune sand, indicative of the desert itself.

Pinyon pines and junipers cover the upper slopes of the higher ranges, while the perennial Piute Creek, toward the eastern boundary of the park, supports a lush riparian habitat for associated wildlife species. Fields of flowers during spring and smoke tree add an additional floristic effect to the washes, lava fields, and bajadas throughout the park. The annual spring flowering of Joshua Tree and Spanish Dagger are spectacular and are particularly showy on wet years.

## **CULTURAL RESOURCES**

### **Prehistoric**

A milder and wetter climate existed during the Pleistocene Epoch when the waters of ancient Lake Manly inundated much of the East Mojave region. The area in and around Mojave National Preserve provided diverse biological and geological resources that supported human occupation beginning approximately 12,000 years ago. Paleo-Native cultures lived on the lakeshores and subsisted on waterfowl, shellfish, native plants, and small and large game. At the end of the Pleistocene the region's climate became more arid and the lakes evaporated. Paleo-Native cultures gave way to smaller nomadic Archaic cultures that endured for several thousand years until the ancestors of the modern tribes emerged. Native cultures of the East Mojave include the Chemehuevi, Piute, and Mojave.

Numerous cultural artifacts found in Mojave National Preserve include projectile points and lithic scatters; mortars, pestles and roasting pits; pottery; pictographs and petroglyphs; cave dwellings and temporary camps; and burial sites. Shells indicate trade with coastal cultures. Pottery shards and evidence of mining for turquoise near Clark Mountain suggest trade with Pueblo cultures to the north and east. These trade activities established routes through the Mojave that were utilized until modern times.

### **Spanish Exploration**

Father Francisco Garces, Franciscan priest and Spanish explorer, traveled through the East Mojave beginning in 1776 on his way to the Pacific Coast. Led by Mojave Indian guides, Father Garces traveled from Piute Creek through the New York and Providence Mountains to Soda Springs following what is now known as the Mojave Road. With the founding of the Spanish missions in California, travel across the Mojave Desert increased.

### **Westward Expansion**

In the early 1800s, American fur trappers and explorers including Jedediah Smith, Kit Carson, and John C. Fremont ventured through the Mojave Desert. They viewed the harsh environment and vast open spaces they encountered as obstacles in their quest to get to and from the Pacific Coast.

### **Military**

In the 1860s, the United States Government established a number of army posts along the Mojave Trail including Fort Piute, Camp Rock Springs, and Camp Cady. These posts were established in response to the increased number of Indian attacks on wagon trains and stagecoaches crossing the desert. By the late 1860s, disease, war, and displacement of Indians to reservations resulted in a drastic decrease in the Indian populations. As the native cultures were subdued, the need for military outposts lessened and the forts were abandoned. The ruins of these outposts can still be seen today.

A military presence was established again in the Mojave during World War II when General George S. Patton trained his troops and conducted war training throughout the California desert. Tank tracks and other scars from these activities are still visible on the desert floor.



## **Mining**

The varied geology of the East Mojave attracted miners in the 1800s in search of gold, silver, zinc, iron ore and copper. The boomtowns of Hart, Ivanpah, and Vanderbilt were established to serve the miners' needs.

Kaiser Steel Company established an iron ore mine in the South Providence Mountains in the 1940s. The successful mining operation created a boom in the nearby town of Kelso, which boasted a population of 1,500-people in its heyday. The ruins of these historic boomtowns and numerous abandoned mining sites can be found throughout Mojave National Preserve.

More recently, mining activities have included the extraction of not only gold but also volcanic cinders and rare earth elements utilized in manufacturing and high-tech research.

## **Ranching and Agriculture**

Despite the harsh environment, cattle ranching has been a way of life in the East Mojave since the turn of the century. The Rock Springs Land and Cattle Company ran about 5,000 head of cattle in the early 1900s. Today, the OX Cattle Company, operated by the Oversons, maintains a ranching operation on part of the original Rock Springs site. The 71L Ranch, found at the southeast corner of the preserve, is operated by the Blair family. In addition there are several other smaller ranch operators.

In the early 1900s, homesteaders attempted dry farming of corn and beans in the Lanfair Valley. Due to low rainfall and difficulties in obtaining adequate water and in engaging in constant conflicts over water rights, their efforts were abandoned a decade later.

## **Railroads**

Miners, ranchers and homesteaders of the East Mojave had a link to the outside world with the onset of the railroad in the late 1800s. Wealthy industrialists established private railroad lines from the desert to major shipping points. A railroad line between Salt Lake City and Los Angeles was completed in 1906 and the town of Kelso evolved as a stopover to resupply water for the steam locomotives and a rest stop for railroad crews and passengers.

In 1924, Union Pacific Railroad built a two-story Spanish style depot at Kelso which featured a telegraph office, overnight accommodations for railroad employees, a waiting room for passengers and a restaurant referred to as "The Beanery." The Kelso Depot was headquarters for the Vulcan Mine during the early to mid-1940s, which was the peak of its activities.

When the Vulcan Iron Ore Mine shut down in 1947 and rail services started to decline, Kelso's population dwindled. The depot closed in the mid-1980s. The Kelso Depot Fund has saved the historic structure from demolition by Union Pacific, and the building has been determined eligible for listing on the National Register of Historic Places.

## **RECREATIONAL RESOURCES**

The natural and cultural resources of the preserve provide outstanding recreational opportunities for both first time and returning visitors. Present visitation is estimated at 300,000 annually.

The primary access to the preserve is on the county road system including the Kelbaker, Cima, Ivanpah, New York Mountains, Lanfair Valley, Cedar Canyon, and Providence Mountains/Black Canyon roads. The historic Mojave Road and other backcountry dirt roads provide opportunities for four-wheel drive and other rugged terrain vehicles.

The extensive wilderness and backcountry areas provide opportunities for primitive recreational activities as well as for solitude. The absence, in wilderness, of motorized/mechanized activities, the grand vistas and the limited visitation enable the hiking and backpacking visitor to enjoy a truly unique desert experience.

Sightseeing and photographic opportunities abound and include a diversity of natural and cultural resources. Natural resources include canyons, sand dunes, granite outcroppings, volcanic domes, cinder cones and an extensive botanical collection including a Joshua tree forest, generally accepted as the world's best and largest. Wildlife is abundant and this provides frequent opportunities for sightings and photography by wildlife enthusiasts. Cultural resources include historic boomtowns and mines, ranches and frontier forts as well as petroglyphs and pictographs from prehistoric cultures. The historic Mojave Road provides visitors the experience of traveling the original trade and travel route traversing this area.

The preserve offers camping opportunities at two developed sites and car camping at various locations along roads. The preserve is centrally located to visitors from Arizona, Nevada, and southern California and is close to several developed areas outside the preserve where lodging, restaurants, and other amenities can be found. A diverse interpretive program is being developed to provide natural and cultural oriented themes at various sites throughout the preserve.

## **C. PARK HISTORY AND OTHER FACTORS RELEVANT TO PROTECTION PARK RESOURCES**

Mojave National Preserve was established by Congress on October 31, 1994, with the passage of the California Desert Protection Act (16 U.S.C. 410aaa-83). The authorized acreage of the Preserve identified in section 502 (1,419,800) was an estimate based on calculations done manually, and may not have included private lands in Lanfair Valley. Creation of a digital boundary allowed the acreage to be more accurately calculated. The boundary map submitted to Congress reflects a more accurate total preserve acreage of 1,589,165 acres of land included within the external boundary of the preserve. Whenever private lands anywhere within this external boundary are acquired, including those in Lanfair Valley, they would automatically become part of the preserve. Specific limitations and directions were provided by Congress in the act relevant to land acquisitions in the Mojave National Preserve. The following list summarizes to specific direction and cites the appropriate section of the act:

- Sec. 509a directs that the National Park Service determine validity of all unpatented mining claims and submit recommendations to Congress as to whether any valid unpatented or patented mining claims should be acquired, together with the estimated acquisition costs and the environmental consequences of mining.
- Sec 510b provides that persons holding grazing permits that are willing to convey base property to the United States be given priority over the acquisition of other lands within the preserve.
- Sec. 511 provides specific direction relevant to continued existence and maintenance of existing utility rights-of-way.

- Sec. 516 provides that lands owned by the state of California (except for State Lands Commission) may be acquired only by donation or exchange. This section also limits the acquisition to willing sellers for all other landowners, unless ongoing or proposed development is determined detrimental to the integrity, or is otherwise incompatible with, the purposes of the preserve, and the owner is notified in writing and given opportunity to respond. This section also provides that development of single family residences is not incompatible with the purposes of the preserve.

Three provisions in the act that affect land acquisition are applicable to Mojave, as well as Death Valley and BLM wilderness areas:

- Sec. 707 directs the secretary to enter into negotiations with the State Lands Commission to exchange federal lands or interests for state school lands or interests that are within parks and wilderness areas.
- Sec. 710 provides that “lands or interests in lands acquired under” the California Desert Protection Act “shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).”
- Sec. 901 imposes a ceiling of \$300,000,000 for all land acquisition costs associated with the three National Park Service administered areas (including Death Valley, Mojave and Joshua Tree) and the Bureau of Land Management administered wilderness areas created by the California Desert Protection Act.

National Park Service *Management Policies* (1988) provide that the National Park Service will seek to eliminate valid mining claims and nonfederal mineral interests in wilderness areas through acquisition.

## **D. MANAGEMENT OBJECTIVES**

- Manage desert lands including wilderness more effectively.
- Participate cooperatively in the preservation of ecological units that extend beyond the preserve’s boundaries.
- Manage visitation more effectively and reduce impacts associated with dispersed and poorly defined visitor use facilities.
- Educate preserve visitors regarding the NPS mission and the natural and cultural resources of the preserve.
- Improve the effectiveness of preserve operations.
- The preserve would perpetuate a sense of solitude for visitors.
- The preserve would perpetuate scenic landscapes. Landscapes viewed from scenic road corridors and developed areas should be free from recreational activities and facilities that distract from the scenic beauty of the landscape.
- Wilderness values would be protected in areas congressionally designated as wilderness. The Wilderness Act shall be referred to for guidance for wilderness areas.

- The preserve would perpetuate a sense of exploration and discovery by vehicle, foot, or stock animals within the backcountry of the preserve.
- The preserve would perpetuate the visitors' ability to view the night sky.
- The preserve would take an active stance in finding creative ways to increase the accessibility of NPS programs, facilities and experiences in a reasonable manner. Management would take an approach of providing access for all segments of the population, including the disabled, small children and senior citizens. This is to be done in coordination with the laws requiring the National Park Service to preserve and protect wilderness, and cultural and natural resources for the enjoyment of future generations.
- Partnerships would be pursued with representatives from gateway communities and local and tribal governments to consider ways in which communities and the parks can support each other. The National Park Service would promote economic growth of communities in ways that complement the preserve's management objectives.

### **III. NONFEDERAL LAND OWNERSHIP AND USE**

#### **A. DESCRIPTION**

There are over 2,000 nonfederal land parcels within the boundaries of Mojave National Preserve totaling nearly 230,000 acres. In addition, there are hundreds of outstanding rights that are owned by individuals or corporations (water rights, mining claims, rights-of-ways, easements). The following discussion provides an overview of the nonfederal lands and interests that occur in the preserve.

##### **1. California State Lands**

###### **a. School land**

The State Lands Commission owns and manages land in the state for the benefit of the state. In the preserve, sections 16 and 36 of each township were once owned by the state. Some of these have since been sold or traded. When the preserve was established in 1994, the state owned all or portions of 88 sections totaling 51,568.40 acres. Section 707 of the act details a procedure whereby the secretary of the interior will negotiate an agreement with the State Lands Commission to exchange federal lands for “California State School lands or interests therein which are located within the boundaries of one or more of the wilderness areas or park system units designated by this Act.” That agreement was signed by the state director of the Bureau of Land Management, acting on behalf of the secretary of the interior and the State Lands Commission on October 26, 1995. The Bureau of Land Management’s state office in Sacramento is currently managing the program to exchange state school lands that are in parks or wilderness areas designated by the California Desert Protection Act. In early 1998, the first exchange occurred, resulting in the National Park Service receiving title to portions of 22 sections totaling 15,066 acres.

###### **b. Department of Fish and Game**

The State Department of Fish and Game owns one tract of land in the preserve, totaling 139.4 acres. This tract is at Piute Springs at the lower end where the old fort remains are located. Piute Creek is a perennial stream and presumably the purpose of the state’s ownership is riparian habitat preservation and is consistent with the preserve mission.

###### **c. Department of Parks and Recreation**

The State owns and operates the Providence Mountains State Recreation Area (also called Mitchell Caverns) which is located within the boundaries of the preserve, north of I-40 off Essex Road. The state owns 5,152.26 acres at this location. This site is managed by the state under a cooperative agreement with the National Park Service. The state manages this area in a manner compatible with the purposes of the preserve.

###### **d. University of California**

The Regents of the University of California own and manage 2,218.70 acres of land in the Granite Mountains as a component of the university’s reserve system. Congress designated the Reserve in the CDPA as the Granite Mountains Natural Reserve and specified that 9,000

specified acres (including the State ownership) be managed under a cooperative agreement between the National Park Service and the university to ensure the continuation of arid lands research and public education.

2. Catellus

Catellus Development Corp. manages a checkerboard of lands across the southern one-half of the preserve totaling 85,318.07 acres. These lands were originally granted to railroad companies in the 1800s by the federal government as an incentive to build the transcontinental railroad.

3. Private lands

Beginning about 1910, settlers established homesteads and attempted dry land farming in the east Mojave. Homesteads were established in many places, including Barnwell, Crucero, Goffs, Pinto Valley, and primarily in Lanfair Valley area where 200–250 patents were issued. By 1920 dry years had forced most homesteaders out. Less than 50 people are permanent residents in the preserve now, with most private tracts being mostly undeveloped. Major blocks of private land are found in the Lanfair Valley area where hundreds of parcels totaling over 70,000 acres occur. The remainder of private lands are scattered throughout the preserve. Total private land in the preserve, not including Catellus lands, is 85,533 acres.

4. Mining claims

a. Patented

Patented mining claim groups exist in about fourteen areas of the preserve, totaling approximately 1,350 acres. These are mining properties obtained under the 1872 Mining Law, where the owners have met the federal requirements to obtain title to the surface and subsurface estates. Mining on patented claims is subject to NPS regulations at 36 CFR Part 9A, the same as on unpatented claims.

b. Unpatented

The preserve was closed to new mineral entry on October 31, 1994 by the California Desert Protection Act. Claimants who had properly staked and recorded mining claims by that date may have a valid existing right to mine the minerals. However, Congress requires the National Park Service to determine the validity of all unpatented mining claims in the preserve. This is a lengthy, technical process that requires specially trained staff. In addition, claimants are required to pay annual maintenance fees to the Bureau of Land Management by August 31 each year to retain an ownership interest in their claims. Therefore, it is reasonable to assume that the number of unpatented claims will continue to decline each year as claimants cease to pay rental fees, or are unable to adequately demonstrate a discovery under the validity process.

As of January 1998, there were 836 claims in 62 groups totaling just over 19,000 acres.

## 5. Water rights

Initial research on outstanding water rights in the preserve at the State Water Resources Control Board in Sacramento revealed that there are approximately 110 appropriated water rights claims on 97 water sources (springs, seeps, streams, wells) in the preserve. Many of these were obtained by ranchers who lease grazing allotments.

## 6. Rights-of-way and easements

There are hundreds of easements and rights-of-way that exist in the preserve, many of which pose little or no threat to the protection of resources. Additional research over the next several years will have to be conducted in order to adequately document all the outstanding rights. Agreements will be sought where necessary to protect the park resources. Only in limited instances would acquisition of the interest be appropriate or warranted. The major right-of-ways that occur in the preserve are summarized below. Congress provided specific direction in section 511 of the California Desert Protection Act on the ones with an asterisk.

ROW HOLDER	ROW PURPOSE
AT&T	underground communications cable
Southern Calif. Edison*	above ground electric transmission line
Southern California Gas Company*	gas pipeline
Cal-Nev	oil pipeline
Molycorp*	waste water pipeline
Union Pacific	railroad

The county of San Bernardino contends that certain roads in the preserve are valid under RS-2477. The validity of this claim has not been determined. Any valid right-of-way would be included in future amendments to this land protection plan as appropriate protection strategies are identified.

## 7. Grazing permits

The California Desert Protection Act provides for grazing to continue under NPS management at no more than the levels existing on October 31, 1994. Nearly 90% of the preserve is encumbered by grazing allotments that were issued by the Bureau of Land Management prior to the act. Only three allotments are entirely within the preserve: Gold Valley, Round Valley and Colton Hills. The remaining allotments are partially in Mojave and partially on BLM land. The following is a summary of the existing allotments. Total animal unit months (AUMs) on NPS land at the establishment of the preserve was 37,000.

Grazing Allotment	Total Acres	% on NPS	Acres on NPS	Total AUMs	NPS AUMs
Clark Mountain	88,312	20%	17,662	1,872	371
Colton Hills	147,847	100%	147,847	2,877	2,877
Gold Valley	16,190	100%	16,190	1,152	1,152
Granite Mountains	276,125	95%	262,319	4,716	4,475
Kessler Springs	252,172	85%	214,346	8,016	7,615
Lanfair Valley	339,553	80%	271,642	12,168	11,560
Piute Valley (ephemeral)	33,468	44%	14,726	0	0

Round Valley	653	100%	653	27	27
Valley View	281,802	92%	259,258	8,485	8,069
Valley Wells	237,258	18%	42,706	4,644	853
<b>TOTALS</b>	<b>1,673,380</b>	<b>75%</b>	<b>1,247,349</b>	<b>43,957</b>	<b>36,999</b>

## **B. COMPATIBLE AND INCOMPATIBLE USES**

The preservation of unimpaired natural systems, resources and cultural resources is the essential management objective of park units. Commercial uses generally are incompatible with the accomplishment of that objective. Residential uses in Mojave are specifically identified by enabling legislation as being compatible with the purposes of the preserve. Mining may potentially affect pristine desert scenery or wilderness values, and disrupt the natural system through additional vehicular access and noise, lights, odors, and possible reduction of water quantity, quality, and air quality.

### **DISCLAIMER**

The land protection planning process requires that the National Park Service determine the activities that would be incompatible with park management objectives, IF such uses were proposed or carried out. The listing of incompatible activities in this LPP does not constitute a prohibition of such uses. The National Park Service has little existing regulatory authority to preclude such incompatible activities. Rather, the listing of incompatible activities is intended to provide a reasonable basis for determining where, and under what circumstances, the National Park Service would seek to acquire nonfederal lands.

### **COMPATIBLE USES**

In the short term, some uses may be compatible, recognizing that such uses will not preclude ultimate accomplishment of management objectives. Given the scale of these uses in relation to park size, many impacts may be limited and temporary, and the lands and natural systems susceptible to restoration.

The following uses are considered to be compatible:

1. Occupancy of existing private dwellings at the current level, including such rights of use and occupancy on tracts that the seller has reserved as part of a sale to the United States.
2. Routine maintenance and repair of private dwellings and existing associated structures.
3. Modifications to existing structures that would maintain it as a single-family dwelling.
4. Replacement of roofing and siding with materials that are compatible with scenic values.
5. Reconstruction in kind of damaged or destroyed structures.



6. Replacement of a structure that is purposefully removed by a structure of equal size and design that serves the same purpose and occupies essentially the same site as the removed structure.
7. Erection of no trespassing signs, fences, and gates to prevent trespass.
8. Use of, or construction or installation of utilities, including roads, on federal lands to gain access to nonfederal property that provides the owner with reasonable use and enjoyment of their land, in accordance with section 708 of the California Desert Protection Act, with minimum disruption to federal lands.
9. Mining, in connection with valid existing rights, on mining claims, if such mining is under an NPS-approved plan of operations that meets the standards of approval of 36 CFR Part 9, Subpart A.

Approval of the National Park Service is required only for the latter two of the compatible short-term uses of private lands.

### **INCOMPATIBLE USES**

The following uses of private property are incompatible with the management objectives of Mojave National Preserve, in both the short and long-term:

1. Activities that impair the integrity of a site, building or object that is listed on the National Register of Historic Places.
2. Mineral development activities that do not comply with all the requirements and standards specified under applicable NPS regulations.
3. Commercial activities, other than National Park Service regulated mining, such as businesses, stores, food and lodging establishments.
4. Erection of billboards.
5. Establishment of sites for the disposal of solid waste, whether hazardous or non-hazardous.
6. Activities such as removal of natural vegetation, earth moving or the like that significantly disrupt natural or cultural resources, or wilderness values.
7. Activities that create a hazard or that endanger the safety of park staff or visitors.

## **C. ACQUISITION HISTORY**

When Mojave National Preserve was established on October 31, 1994, by the California Desert Protection Act, the existing federal lands that were under the management of the Bureau of Land Management, were transferred to the National Park Service. However, as identified under section A above, thousands of acres of land were in nonfederal ownership. Since passage of the act, one parcel of land has been donated to the preserve, but no funds have been expended for acquisition. The number of acres acquired since 1994 is as follows:

<u>Acquisition Method</u>	<u>Acquired Acres</u>
Purchase	0
Complaint in Condemnation	0
Declaration of Taking	0
Donation	94
Exchange	15,066
 TOTAL FEDERAL ACRES	 1,373,018
NONFEDERAL ACRES REMAINING	216,051
 <b>TOTAL ACRES IN PRESERVE</b>	 <b>1,589,164.80</b>

## **D. ACQUISITION CEILING**

Sec. 901 of the California Desert Protection Act imposes a ceiling of \$300,000,000 for all land acquisition costs associated with the three National Park Service administered areas (including Death Valley, Mojave and Joshua Tree) and the Bureau of Land Management administered wilderness areas created by the act.

## **IV. AVAILABLE LAND PROTECTION AND ACQUISITION OPPORTUNITIES**

### **A. LAND PROTECTION OPTIONS**

A number of land protection alternatives have been considered in arriving at the recommended methods. Factors influencing the methods considered and selection of the recommended plan include cost-effectiveness, long term goals, degree of compatibility of private ownership, the type of jurisdiction, and consideration for long established owners. The preferred alternative for land protection must assure preservation and restoration of the natural environment, protection of historic and prehistoric values, and enhance public enjoyment of the parks.

Potential protection alternatives are discussed below.

#### **1. AGREEMENTS**

Agreements are legal instruments defining administrative arrangements between two or more parties. The instrument can provide for the exchange of services or benefits between the parties. Terms of agreements relevant to land protection might include:

- a. Acceptable and unacceptable land uses.
- b. Management of natural and cultural resources.
- c. Responsibility for maintenance.
- d. Law enforcement responsibilities (including emergency response and search and rescue)

Agreements are most useful as interim land protection methods where there is a coincidence of interests between the parties. Because they can be terminated by either party, agreements are generally not acceptable as long term protection methods, particularly in the case of lands intended for preservation in their natural state. They can be very useful as short term protection instruments. They may have some application for both private and public lands.

The California Desert Protection Act requires the preserve to enter into cooperative agreements for the following activities:

- management of the Soda Springs Desert Studies Center by the California State University Consortium (sec. 514)
- management of the Granite Mountains Natural Reserve by the University of California (sec. 513)
- maintenance of an electric transmission line by Edison Co. (sec. 511a)
- maintenance of a gas line by Southern California Gas Co. (sec. 511b)

## **2. REGULATIONS**

### **Local Land Use Regulations**

Private lands in the preserve fall under the jurisdiction of San Bernardino County. The county adopts and enforces land use regulations that control the type and density of land use and development on private property, and ensure adherence to basic public health and safety standards. Regulation is intended to provide generally for the control of economic uses of land and to mitigate to the extent possible the adverse effects of such uses. It is not an appropriate or useful long-term protection method for lands intended for preservation or restoration of natural conditions. However, land use regulation does have potential as an interim protection method for developed areas planned for restoration but where land acquisition is expected to require many years.

### **National Park Service Regulations (36 CFR Parts 1–5 and 7)**

Mojave National Preserve is an area of proprietary federal jurisdiction. The level of jurisdiction that the United States holds on its lands is immaterial to the ability of the United States to manage and protect federal lands. However, in areas of proprietary jurisdiction, such as Mojave National Preserve, the National Park Service decided in rulemaking that regulations in 36 CFR Parts 1 through 5 and 7 will apply only to federal lands. An exception, adopted on July 5, 1996, permits the application of NPS rules in 36 CFR Parts 1–5 and 7 to nonfederal lands in a proprietary jurisdiction park, if such nonfederal lands are subject to a written agreement with the owner.

In addition, if the state of California ceded some, or all, of its jurisdiction over nonfederal lands in Mojave to the United States, then ten of the NPS regulations at Parts 1–5 and 7 would apply to conduct on private lands. Even then, the applicable regulations deal with wildlife protection, fires, disorderly conduct, weapons and similar conduct. The National Park Service possesses no general regulations on “land use” or development that would apply to the nonfederal lands even if Mojave were an area of concurrent or exclusive jurisdiction.

### **National Park Service Regulations (36 CFR Parts 6 and 9)**

National Park Service regulations at 36 CFR Part 6 (Solid Waste Sites) and at 36 CFR Part 9A (Mining Claims) apply to all lands in every park without regard to the level of jurisdiction that the United States holds over an area. Parts 6 and 9 apply to the nonfederal land within Mojave National Preserve. The application of 36 CFR Parts 6 and 9 would prohibit or otherwise restrict certain proposed land uses on nonfederal (and federal) lands within the preserve. Parts 6 and 9 of 36 CFR provide a certain level of resource protection, short of acquisition. Section 519 of the California Desert Protection Act (16 U.S.C. 410aaa-59) states that, until acquired by the United States, nonfederal lands within the boundaries of National Park System units designated or enlarged by the Act are not “subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries...” The rules at 36 CFR parts 6 and 9 apply to all lands within areas of the National Park System boundaries and are not applicable solely to federal lands within such areas. Thus, the application of Parts 6 and 9 to nonfederal lands within the boundaries of Mojave National Preserve does not conflict with Section 519 of the California Desert Protection Act.

Regulations at Part 9, in particular, generally provide for the control of mining uses and to mitigate, as far as possible, the adverse effects of such activity on parks. Since the primary objective of the preserve is to preserve and restore natural systems, the conduct of mining, no matter how closely controlled or regulated, may be inconsistent with management objectives in some places. Regulation

of mining has great value as an interim protection method in the event that more effective methods are not implemented in the future.

Regulations at Part 6 prohibit the establishment of new sites for the disposal of solid waste on any lands with the preserve, except for sites that generate waste solely from NPS activities.

### **U.S. Fish and Wildlife Service Regulations**

U.S. Fish and Wildlife Service regulations at 50 CFR Part 17 implement the provisions of the Endangered Species Act (16 U.S.C. 1531, et seq.). These regulations prohibit persons from causing “harm” to federally-listed species. The desert tortoise (*Gopherus agassizii*), and habitat listed as “critical” to it, are found within Mojave National Preserve. “Harm” is defined to include significant habitat modification or degradation that actually kills or injures wildlife. The Endangered Species Act prohibits persons from taking, including “harming” listed species. However, persons may obtain a permit from the secretary of the interior to “take” listed species, “if such taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity.” (16 U.S.C. 1539(a)(1)(B)).

Persons proposing to develop nonfederal lands within Mojave National Preserve that may result in harm to desert tortoise, or habitat listed as critical for desert tortoise, need to obtain a permit from the U.S. Fish and Wildlife Service prior to undertaking such development. This permitting process, while not aimed at controlling the use of land, could affect the methods and extent to which a person may develop lands in the Park where desert tortoise, or their habitat exist.

### **3. LESS-THAN-FEE ACQUISITION**

Less-than-fee acquisition involves acquiring only a portion of the rights of ownership of a tract of land. For example, scenic easements may be acquired to protect landscapes by limiting the owner’s use of his land, or rights-of-way may be acquired to permit construction of roads, trails, pipelines, etc. The primary value of less-than-fee applications in park situations is where some degree of private economic activity, e.g. farming, ranching, etc., is consistent with park objectives.

In some Park Service administered areas, where preservation of a pastoral historic scene is a primary management objective, scenic easements represent a highly desirable form of protection method, permitting continuation of agricultural land uses which contribute to the purposes of the unit. However, in the case of Mojave National Preserve, these objectives are not identified in the legislation, and therefore, less-than-fee instruments have limited utility.

### **4. FEE ACQUISITION**

Fee acquisition is appropriate where the park objectives are preservation and restoration of the natural systems, and there are no compatible private land uses.

## **B. ACQUISITION OPTIONS**

### **1. PRIVATE LANDS**

The National Park Service can acquire interests in private land through several different methods.

- a. Purchase with donated or appropriated funds.

- b. Donation of lands or interests in land. Landowners with substantial taxable incomes are sometimes interested in this method as the Internal Revenue Code allows certain tax deductions for donation of land or interests in land for approved conservation purposes, including National Parks. Landowners should consult their accountants and attorneys for specific tax advice on contemplated donations.
- c. Bargain Sale. A bargain sale is a partial donation where the landowner agrees to sell for less than full value and the difference may be treated as a charitable contribution that may provide tax benefits.
- d. Exchange. Land exchanges offer surplus federal lands elsewhere in California for property in the parks. The feasibility of this type of exchange is dependent on the availability of other federal lands and its prospective utility to the landowner.
- e. Condemnation. The federal government has the authority to acquire private property through the Federal Court system when needed for public purposes or to prevent resource damage. This method is used where the owner and the Park Service cannot reach agreement on price. It is also used in some cases to clear title or where landowners are unknown or cannot be located. Just compensation is determined through the judicial process.
- f. Acquisition with Reservation of Use and Occupancy. Owners of developed properties can in some cases sell their property to the Park Service and at the same time reserve the property's use for either a period of up to 25 years or for life. The purchase price is reduced to account for the reserved period of continued use.

## **2. PUBLIC LANDS**

Although Congressional guidelines on the acquisition of lands owned by state and local agencies generally favor donation, the policy toward state school sections permits acquisition by either exchange or purchase, with a preference for the use of exchange. State school lands in Mojave National Preserve were specifically identified in the California Desert Protection Act as priority for exchange for excess federal property.

## **V. SUMMARY OF ACQUISITION PROCEDURES**

The Division of Land Resources assigned to the Pacific Great Basin Support Office in San Francisco is responsible for carrying out the land acquisition program. It will be guided by the Land Protection Strategy for each park unit as adopted through this planning effort and approved by the Regional Director.

The National Park Service is required by Secretarial Order 3127 to conduct a site assessment for hazardous materials on all properties being considered for acquisition. This process begins with a certified inspector completing a Level I checklist. If no evidence of previous hazardous materials use exists on the property or in the county, state or federal records, the property is cleared for acquisition. If contamination is discovered or suspected, samples may be collected and analyzed at a licensed laboratory. Cleanup costs are considered the responsibility of the landowner.

The Park Service will obtain, at its expense, a preliminary policy of title insurance for each property which will identify the owner or owners of record and all encumbrances, such as mortgages, liens, judgments, right-of-way or other easements, affecting the property's title.

Each property will be appraised by an independent contract appraiser. The landowner and/or his or her representative will be offered an opportunity to accompany the appraiser on the inspection of the property in order to afford the owner an opportunity to point out significant features of the property.

To assure the quality of appraisals, a staff appraiser will review all reports for compliance with proper appraisal procedures and check such elements as the thoroughness of the research performed and whether or not the appraiser has afforded the landowner the opportunity to accompany the appraiser.

Appraisers will be required to furnish an objective estimate of the "Fair Market Value" of the lands being appraised. The Uniform Appraisal Standards for Federal Land Acquisitions defines Fair Market Value as "The amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desired but is not obligated to buy."

As soon as possible after the appraisal of a property has been received, reviewed, and approved, the Service will submit to the owner, subject to the availability of funds, a written offer which will not be less than the Service's approved appraisal of the fair market value of the property. The owner will be provided with a copy of the Services' appraisal upon request. Assuming that a mutually acceptable purchase price is agreed upon, closing will normally be completed by a local title company acting as escrow and closing agent within 6 to 8 weeks of signature by the owner and the Park Service of an Offer to Sell.

It is the responsibility of the seller to convey clear title to the property being acquired. Under Public Law 91-646, the Park Service may reimburse sellers for expenses incurred such as:

1. Recording fees, transfer taxes, similar expenses incidental to conveying the real property.
2. Penalty cost for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering the real property.

3. The pro rata portion of real property taxes the owner paid to cover the period after title was vested in the United States.

The Park Service may pay other similar expenses to the extent they are fair and reasonable, but the Service will not pay for costs necessary to clear defects in title to the property.

The Park Service will make every effort to seek negotiated settlement wherever possible; however, if this is not possible, eminent domain proceedings may be initiated.

Eminent domain proceedings are initiated by the filing of a complaint in condemnation in Federal Court. There are two general types of condemnation: complaint-only and complaint with a declaration of taking. The National Park Service generally uses the complaint-only type of condemnation to acquire land. In this type of action, title to the land does not pass to the government until the court or jury has determined the amount of just compensation and this amount has been paid to the owner. Eminent domain proceedings may be employed to resolve title problems or clear title, or when negotiations are unsuccessful and Fair Market Value is to be determined by the court.

In addition to the complaint in condemnation, declarations of taking are used where title to the land must be vested in the United States immediately in order to prevent resource damage or to clear title to land after a negotiated agreement has been reached with the owner.

A declaration of taking vests title to property in the United States immediately upon filing papers in the court and the deposit of an estimate of just compensation. A portion of this deposit may be withdrawn by the owner as approved by the court.

## **ACQUISITION OF LESS-THAN-FEE INTERESTS (EASEMENTS)**

The procedure for acquiring less-than-fee interest is the same as that described above for acquisition of fee interest except for the fact that the owner does not relinquish title and possession of the property.



## VI. RECOMMENDATIONS

This “Land Protection Plan” recommends that the National Park Service acquire most nonfederal lands within the preserve in fee, except for state lands. State school sections are actively being exchanged for federal surplus property outside the preserve in accordance with CDPA direction. Other state lands would be considered for exchange if the state expressed an interest.

The National Park Service has considered alternative means of land protection and concluded that only in limited instances would they meet the long-term management objective of the preserve, which is the preservation and restoration of lands in their natural condition, and the protection of cultural resources.

Highest priority for acquisition would be assigned to tracts in wilderness that are threatened with development, and to tracts in critical desert tortoise habitat. However, the single highest priority is nonfederal lands in the vicinity of the Kelso Depot, where development may occur that would detract from the historic scene and the value of the proposed depot restoration as a major visitor access site.

To the extent lands offered for sale may exceed the funds available to the National Park Service to acquire them, the National Park Service will give preference to acquisition according to the priority list that follows. There is no expectation that tracts can be acquired only in the order shown. These areas contain the greatest number of tracts, most of which are undeveloped and are in areas of high visitor use where development would be most apparent and disturbing to the scenic values. Developed tracts in the Lanfair Valley area are the lowest priority, unless attempts are made to develop beyond single family homes.

National Park Service priority for acquisition are as follows:

Priority 1: Nonfederal lands around the Kelso Depot, where development may occur that would detract from the historic scene and the value of the proposed depot restoration as a major visitor access site.

Priority 2: Tracts of land that lie within designated wilderness for which any development is proposed and imminent.

Priority 3: Any tract lying within the external boundaries of a designated wilderness area, for which the owner seeks to gain access under section 708 of the California Desert Protection Act by the construction of a road, or utility line across federal wilderness lands.

Priority 4: Any tract lying within the boundaries of habitat designated by the U.S. Fish and Wildlife Service as critical to the desert tortoise.

Priority 5: Any tract in the nonwilderness portion of the preserve, for which an incompatible use is proposed and imminent, in the following geographical order:

- a. Baker entrance
- b. Hole-in-the-Wall
- c. Mid Hills
- d. Round/Gold Valleys
- e. Wild Horse Canyon
- f. Cima area

Priority 6: Mining claims, water rights, easements and rights-of-way where proposed use or development would have a significant impact on preserve resources.

Priority 7: All other tracts where there is a willing seller.

In Priority 5, the geographic areas are ranked because of their proximity to areas of high visitor use and potential conflict between users and landowners. In this area development would be most apparent and disturbing to the scenic values.

Upon acquisition of developed lands, the National Park Service might remove existing structures to restore the natural appearance and scene. Existing structures would be evaluated for their cultural resource value before any action is taken. Exceptions to this may be situations where the National Park Service acquires a property with a house that may be suitable for employee housing or other use, and is not in wilderness.

## **VI. APPENDIXES**

- C-1: Legal description for preserve boundary
- C-2: Unpatented Mining Claim Groups
- C-3: Patented Mining Claim Groups
- C-4: Appropriated Water Rights